

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SERVICE EMPLOYEES INTERNATIONAL
UNION, *et al*,

Plaintiffs,

v.

CITY OF HOUSTON, *et al*.

Defendants.

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CIVIL ACTION No. H-06-3309

ORDER GRANTING PRELIMINARY INJUNCTION

On October 23, 2006, the court held a hearing regarding plaintiffs' motion for temporary restraining order and preliminary injunction. Dkt. 6. After considering the evidence, the parties' arguments, and the relevant law, the court is of the opinion that the motion should be GRANTED IN PART and DENIED IN PART. The court believes that the plaintiffs have shown a substantial likelihood that they will prevail on the merits and that should the court deny their motion their injury will be irreparable. However, the court believes that it would be imprudent to invalidate the parade ordinance as a whole before a determination on the merits of its constitutionality.

Accordingly, it is ORDERED that the City of Houston is enjoined from enforcement of Sound Ordinance 30-8 as applied to the plaintiffs only.

Further, it is ORDERED that the City of Houston is enjoined from enforcement of Parade Ordinance Sections 45-235(h), 45-238(b)(5), and 45-238(b)(6) as applied to plaintiffs only.

Further it is ORDERED that the City of Houston is enjoined from enforcement of Parade Ordinance Sections 45-235(b)(1) and (2) as applied to plaintiffs as written. Instead it is ORDERED

that Sections 45-235(b)(1) and (2) shall require notification of permit approval, denial, or conflicts within two business days.

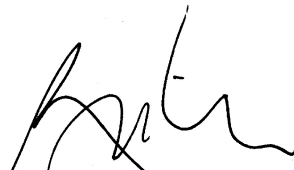
Additionally, while the court finds the definition of “parade” in Parade Ordinance Section 45-231 to be problematic, both parties agree that whatever the definition of a parade actually is, the plaintiffs are certainly a parade.

The defendant will provide copies of this preliminary injunction to all relevant city employees and police personnel.

This preliminary injunction will take effect when the plaintiffs post a bond approved by the Clerk of this Court in the amount of \$1,000.00.

This preliminary injunction will remain in effect until the final judgment in this action or until further order of this court.

Signed at Houston, Texas on October 23, 2006.



Gray H. Miller
United States District Judge